

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA FORDYCE, A.K.A. BRITTANY
FORDYCE,

Plaintiff,

v.

HEATHER SHIRLEY, et al.,

Defendants.

No. 1:25-cv-00106 GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY THIS MATTER SHOULD NOT
BE DISMISSED FOR FAILURE TO OBEY A
COURT ORDER

(ECF No. 10)

PLAINTIFF'S SHOWING OF CAUSE OR, IN
THE ALTERNATIVE, HER FIRST
AMENDED COMPLAINT DUE IN THIRTY
DAYS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order. As an alternative to filing the showing of cause, Plaintiff may file an amended complaint. Plaintiff will be given thirty days to take either course of action.

I. RELEVANT FACTS

On January 29, 2025, Plaintiff's complaint was screened. See generally ECF No. 10. The screening order found that the complaint failed to state a claim upon which relief could be

1 granted. Id. at 7. As a result, Plaintiff was given thirty days to file an amended complaint. Id.

2 The thirty-day period Plaintiff had to file an amended complaint has passed and Plaintiff
3 has not filed an amended complaint, nor has Plaintiff requested an extension of time to do so.

4 Instead, since the issuance of the Court's order, Plaintiff has filed three motions for the
5 appointment of counsel. See ECF Nos. 12, 14, 16. Each of those motions have been denied. See
6 ECF Nos. 13, 15, 17.

7 II. DISCUSSION

8 Both the Court and the public have an interest in the disposal of cases in an expedient
9 manner. See generally Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998)
10 (presuming public has interest in expeditious litigation). Plaintiff's failure to file an amended
11 complaint as ordered has stalled this process, and it warrants the Court issuing an order directing
12 Plaintiff to show cause why this matter should not be dismissed for failure to prosecute and for
13 failure to obey a court order. Plaintiff will be given thirty days to do so. As an alternative to
14 Plaintiff filing a showing of cause, within the same thirty-day period, Plaintiff may instead file the
15 first amended complaint as she was previously ordered to do.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Plaintiff is ordered to SHOW CAUSE why this matter should not be DISMISSED for
18 failure to prosecute and for failure to obey a court order;

19 2. As an alternative to filing a showing of cause, Plaintiff may file a first amended
20 complaint, and

21 3. Plaintiff shall have thirty days to take either course of action.

22 **Plaintiff is cautioned that failure to comply with this order within the time allotted**
23 **may result in a recommendation that this matter be dismissed.**

24 IT IS SO ORDERED.

25 Dated: March 9, 2025

26 /s/ Gary S. Austin
27 UNITED STATES MAGISTRATE JUDGE